

CASE # C15-2012-0007

TP-011006420

ROW-10693476

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

TP 01-1006-2303

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 507 Upson St.

LEGAL DESCRIPTION: Subdivision -- Amended plat of lts. 2,3 &4 Blk.4 Charles Johnson Addition

Lot(s) 4A Block 4 Outlot _____ Division _____

I/We Jim Bennett as authorized agent for Cator Joseph / Shannon Palmer

_____ affirm that on 11/28/, 2011, hereby apply for a hearing before the

Board of Adjustment for consideration to:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A front porch / deck providing a front street setback of 16 ft.

in a SF-3 - NP district.
(zoning district)

The Austin Electric Utility Department (Austin Energy) enforces electric easements and the setback requirements set forth in the Austin Utility Code, Electric Criteria Manual and National Electric Safety Code. The Board of Adjustment considers variance to the Land Development Code, and a variance granted by the Board of Adjustment does not waive the requirements enforced by Austin Energy. Please contact Christine Esparza with Austin Energy at 322-6112 before filing your application with the Board of Adjustment if your request is for a reduction in setbacks or height limits.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
Front porches through out the neighborhood are a common occurrence, many constructed when the ordinance required only 15 ft. for an open porch.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

When this structure was originally constructed, the site was excavated to accommodate this structure. The original porch was a small entry with a moat surrounding the porch creating a somewhat unsafe entry, the existing porch/deck is built over the moat and will allow for a safer and more efficient use of the moat, hence the topography is part of the hardship.

- (b) The hardship is not general to the area in which the property is located because:

The excavated site is unique to this site.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The porch / deck is ascetically pleasing and does not interfere with adjoining properties. This lot is adjacent to the alley on one side and the adjoining neighbor to the north who along with other neighbors support this request.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jim Bennett Mail Address 11505 Ridge Dr
City, State & Zip Austin, TX 78748

Printed Jim Bennett Phone 282-3079 Date 11/29/11

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed M. Cater Joseph Mail Address 2806 A Windsor
City, State & Zip Austin, TX 78703

Printed M. Cater Joseph Phone 512.450.8091 Date 11/28/2011

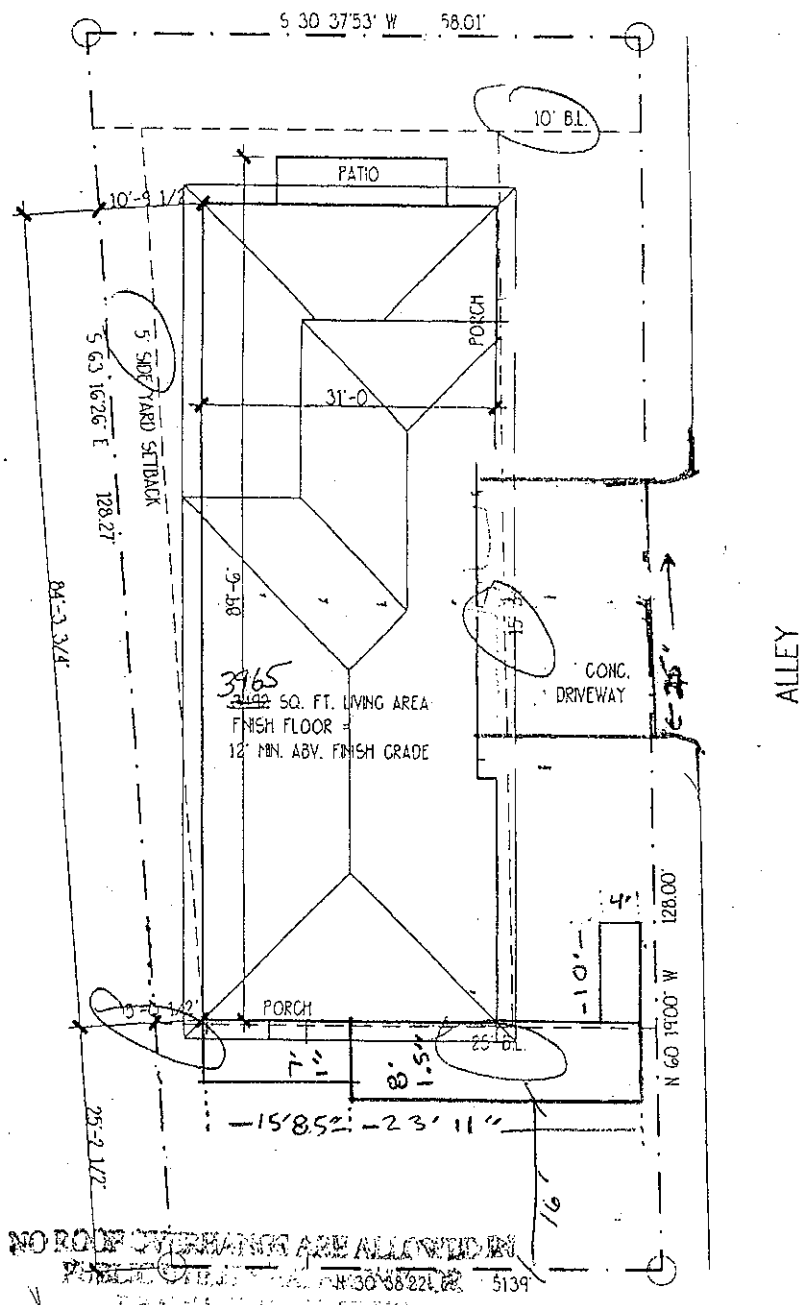
duplex attached neighbor 507A Upson St owner

OWNERS CERTIFICATE - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Shannon Palmer Mail Address 507A Upson Street

City, State & Zip Austin, TX 78703

Printed Shannon Palmer Phone 415-244-5644 Date 11/29/11



507 UPSON STREET

SITE PLAN

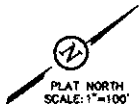
LEGAL DESCRIPTION:

SUBDIVISION:

507 Upson St. #1, 78703

Legal: UNT 1 507 Upson Condominium
 Amended plus 50.00% Int in COM AREA

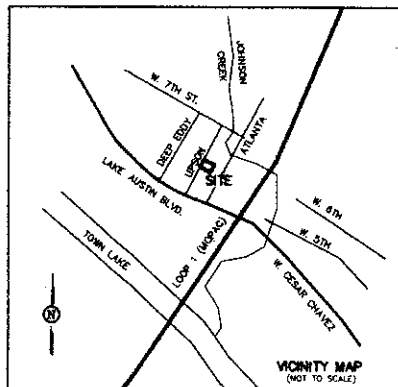
TOTAL AREA OF LOT 2A = 7,160 SF
TOTAL AREA OF LOT 3A = 5,889 SF
TOTAL AREA OF LOT 4A = 7,000 SF
TOTAL AREA OF SUBDIVISION = 20,059 SF
TOTAL NUMBER OF LOTS = 3
LAND USE OF LOT 2A = SINGLE-FAMILY
LAND USE OF LOT 3A = SINGLE-FAMILY
LAND USE OF LOT 4A = DUPLEX



MAP SYMBOLS

P.U.E.	PUBLIC UTILITY EASEMENT
BL	BUILDING LINE
●	1/2" REBAR FOUND
○	1/2" REBAR SET
○	CAPPED "GRANT 1910"
⊕	IRON PIPE FOUND
CM	CONTROL MONUMENT
PL	RECORD DATA FROM PLAT BK. 2 PL. PG. 92 WHICH DIFFERENT FROM MEASURED DATA
D.E.	DRAINAGE EASEMENT
R.O.W.	RIGHT-OF-WAY

A000000000



C8-04-0183.0A
SHEET 1 OF 1



SUBJECT TRACT



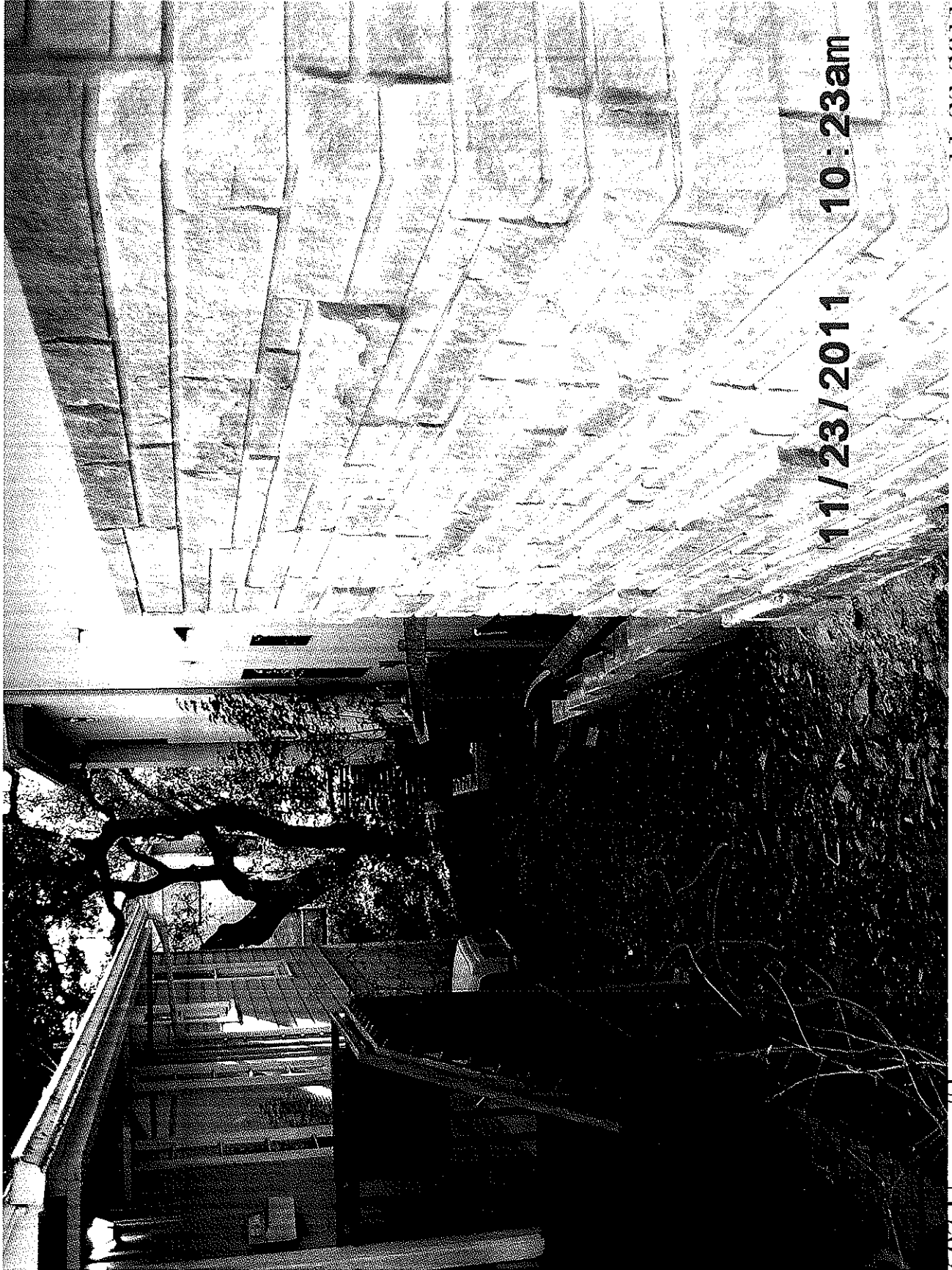
ZONING BOUNDARY

CASE#: C15-2012-0007
LOCATION: 507 UPSON STREET



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

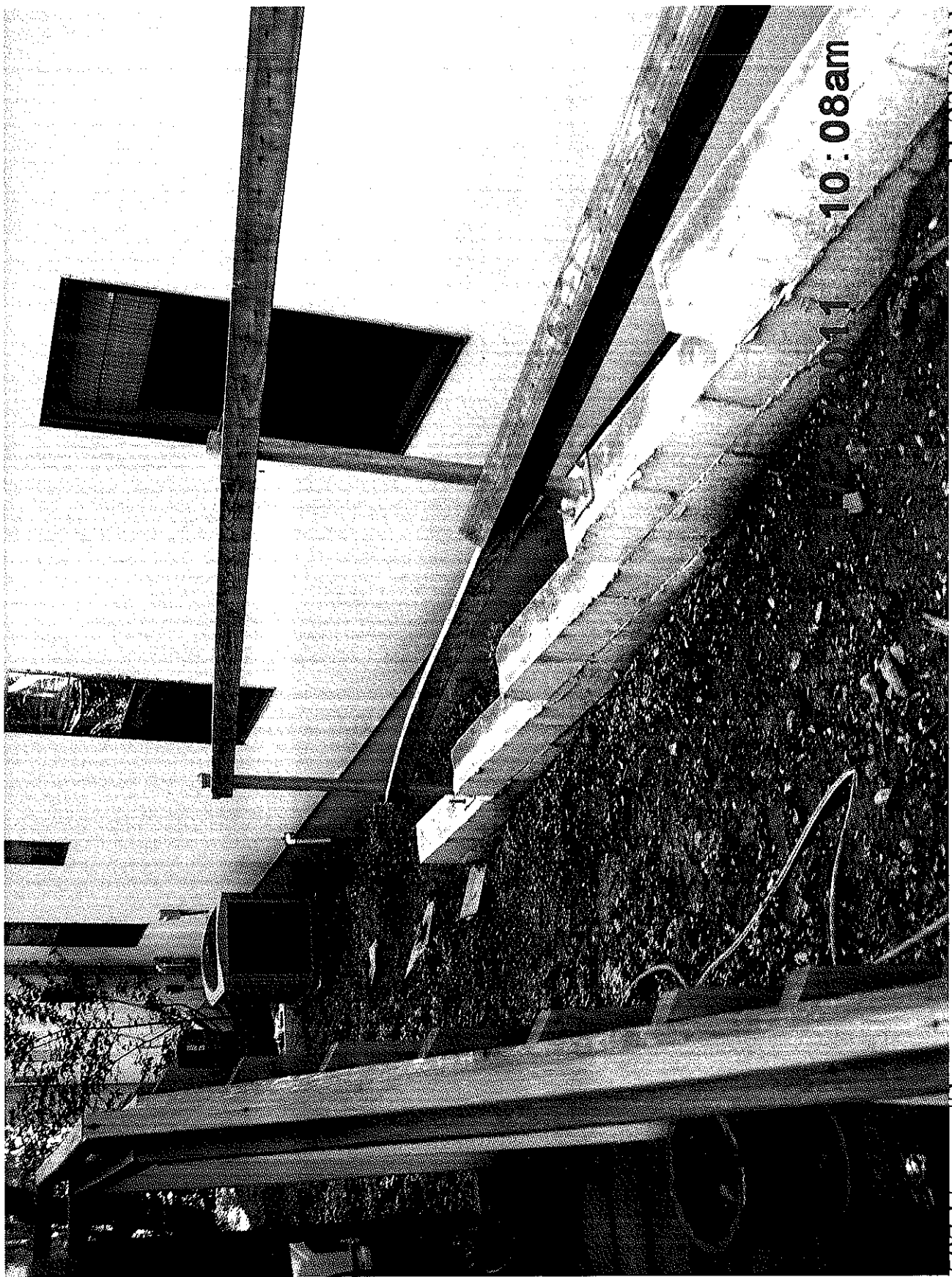
This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



11/23/2011 10:23am

507 Upson #1
Case 2011-105598

11-23-2011
Investigator I. Frisinger



11-23-2011 10:08am

507 Upson #1

Case 2011-105598

11-23-2011

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507 Upson #1

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507 Upson #1

Case 2011-105598

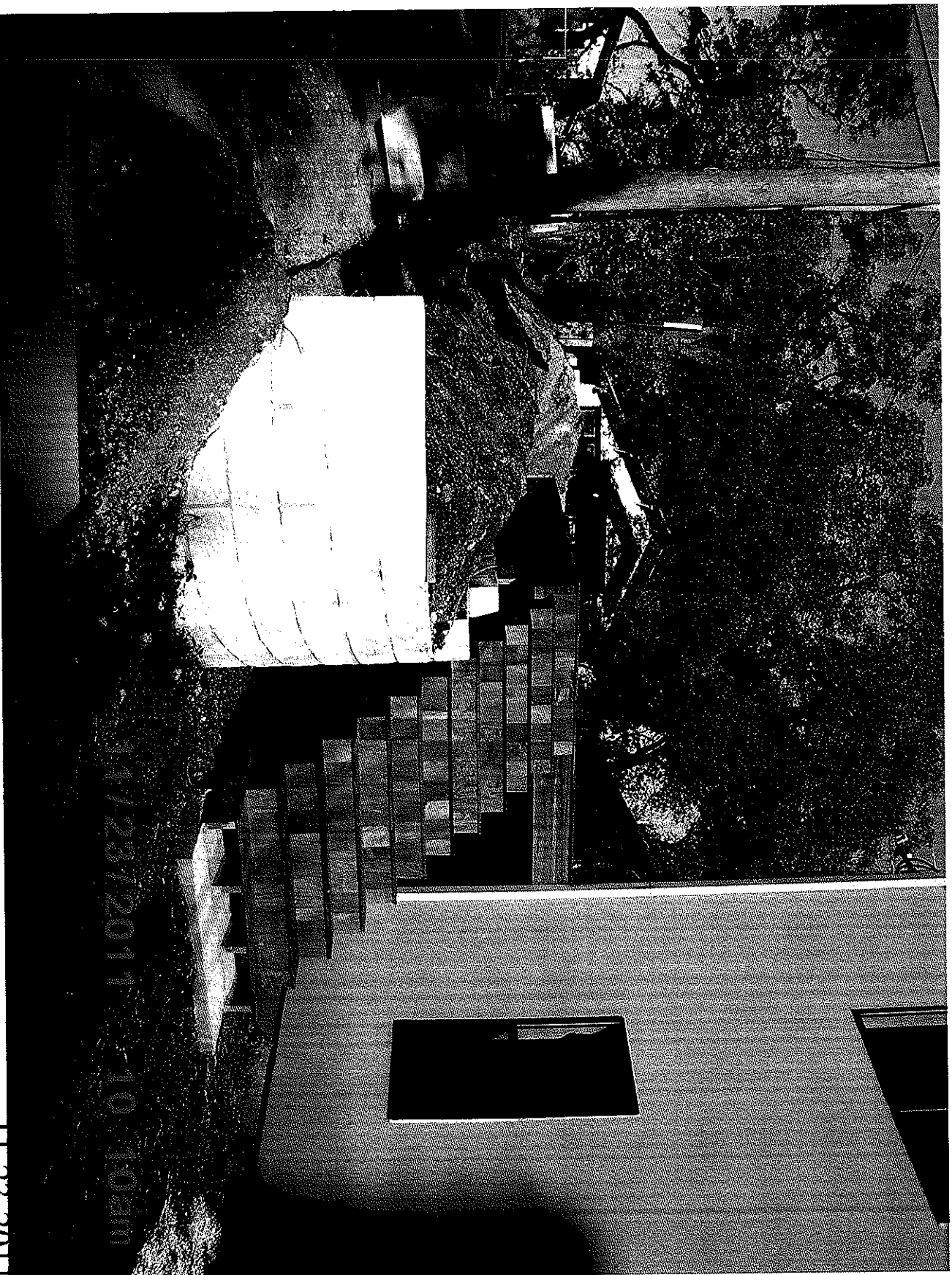
11-23-2011

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507 Upson #1
Case 2011-105598

11-23-2011
Investigator I. Frisinger

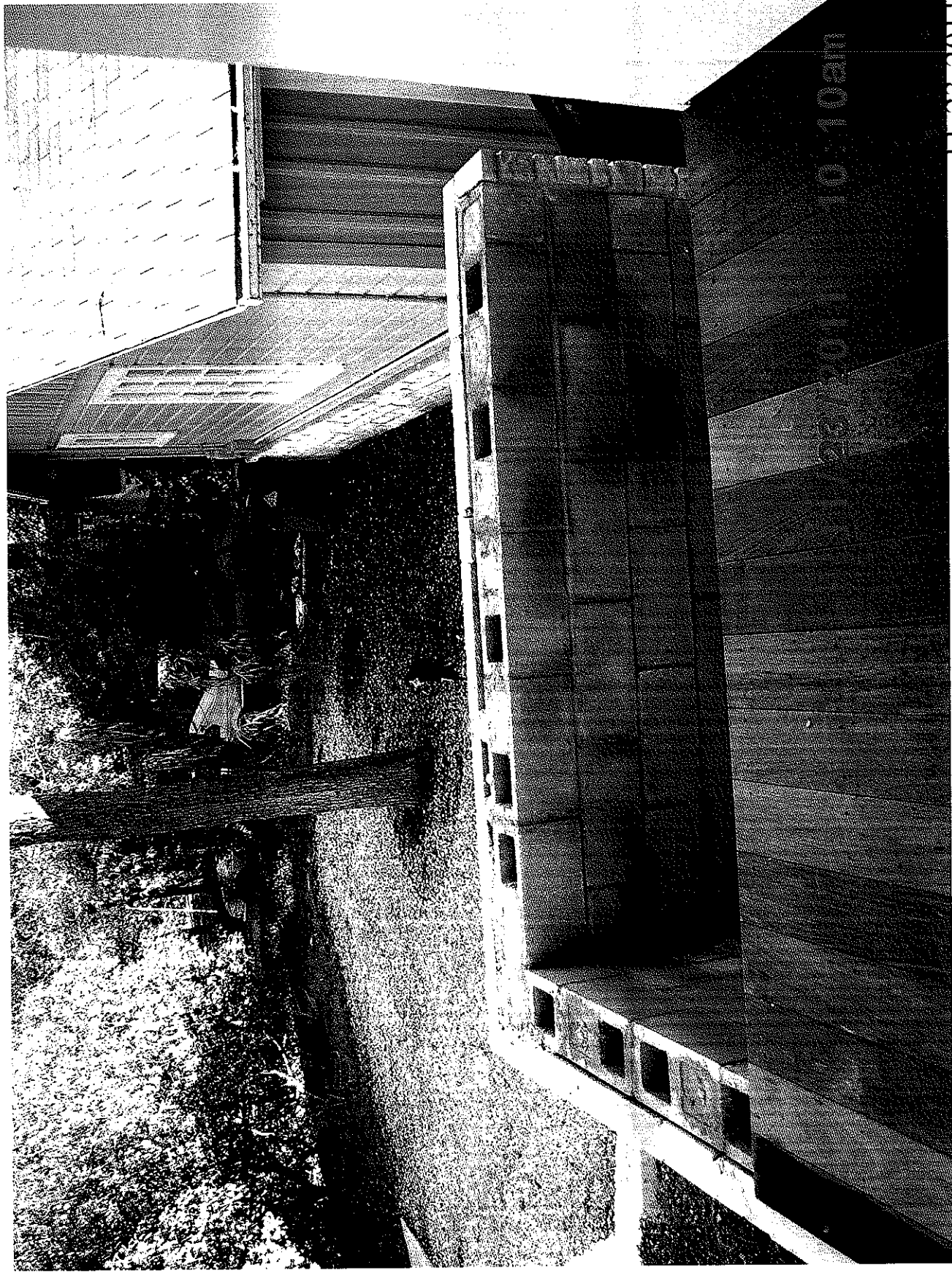


507 Upson #1

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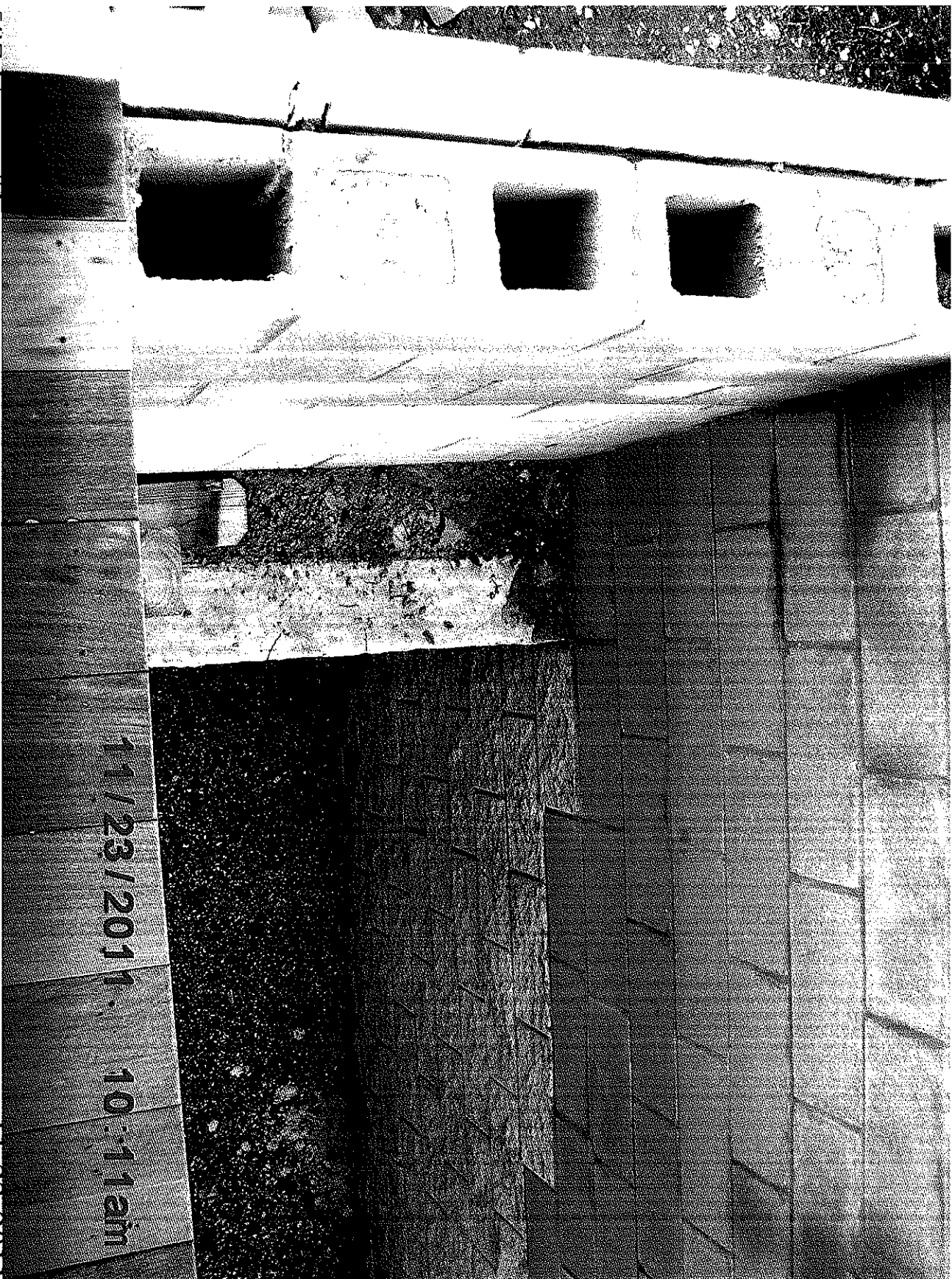
507 Upson #1
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11-23-2011
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Case 2011-105598

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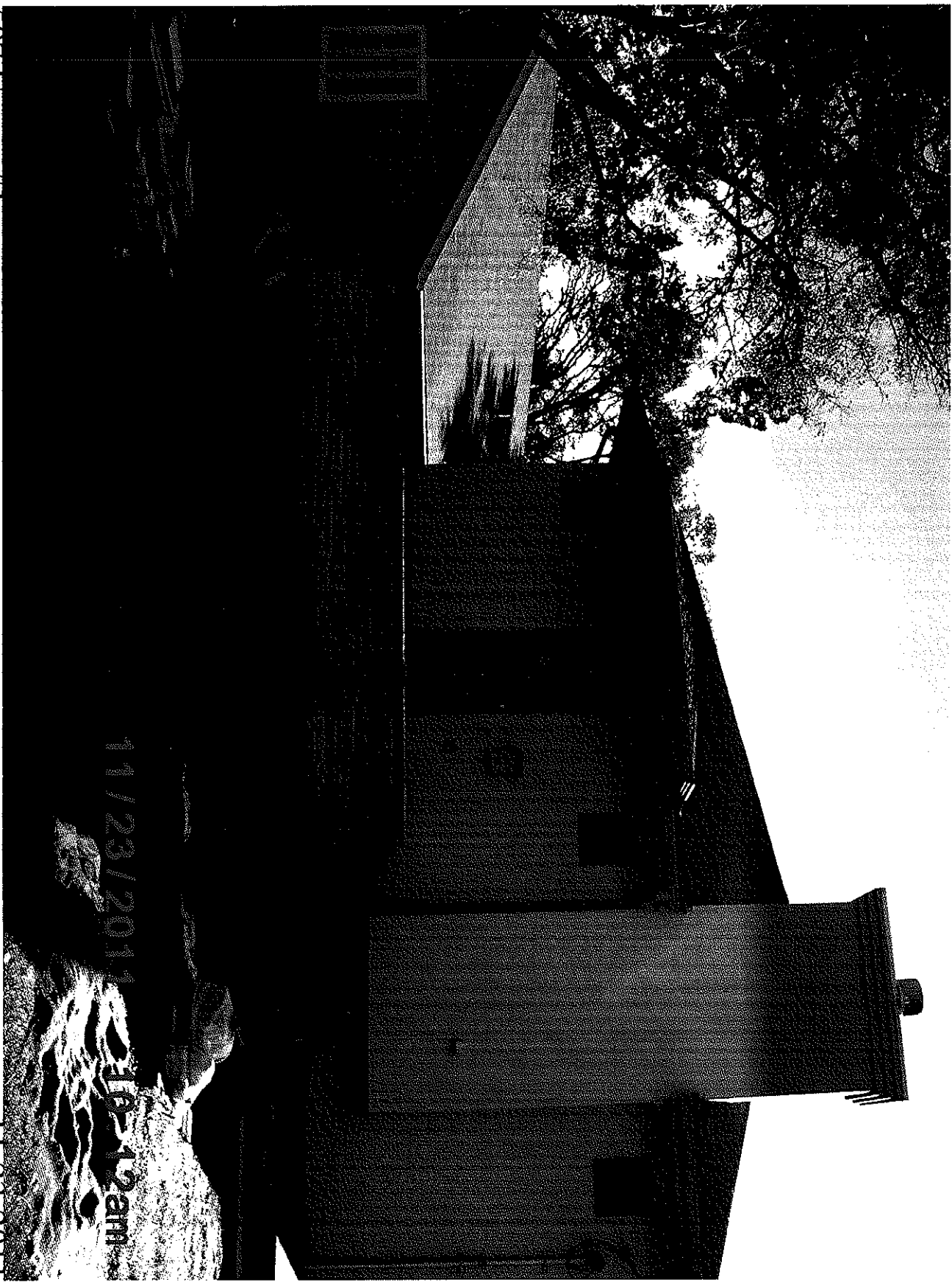
507 Upson #1

Case 2011-105598

11/23/2011 10:11am

11-23-2011

Investigator I. Frisinger



507 Upson #1

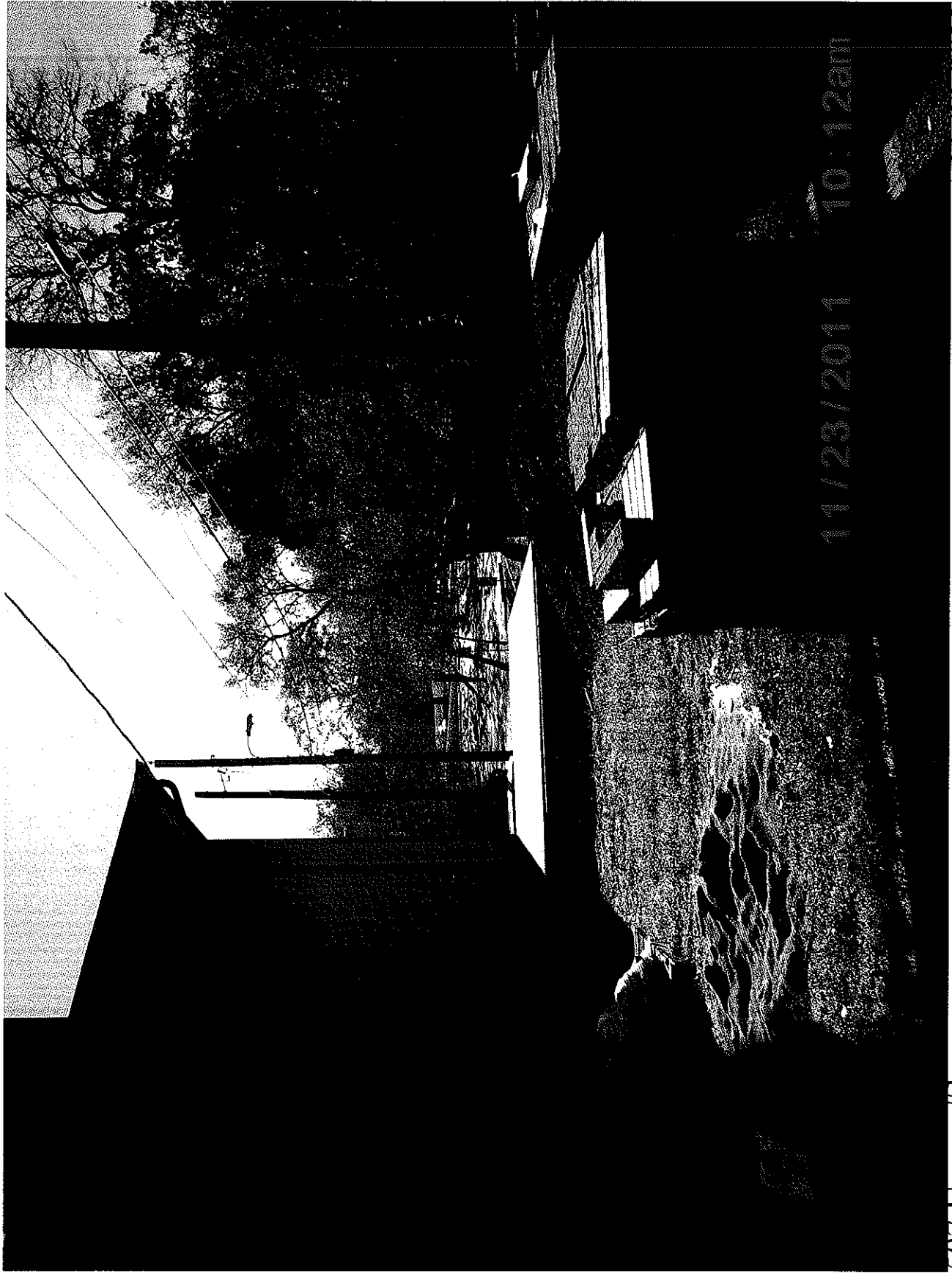
Case 2011-105598

11/23/2011

10:12 am

11-23-2011

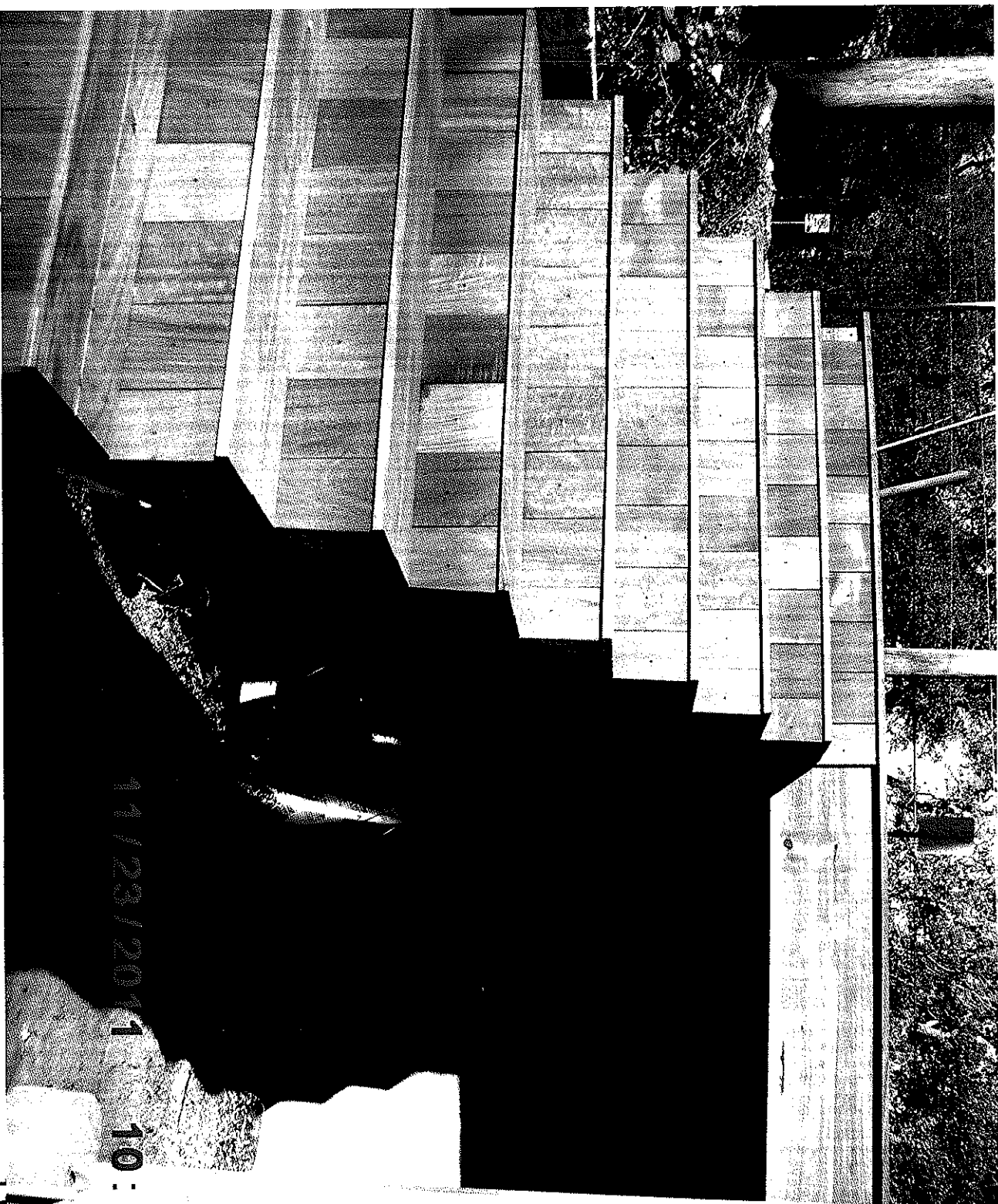
Investigator I. Frisinger



11/23/2011 10:12am

507 Upson #1
Case 2011-105598

11-23-2011
Investigator I. Frisinger



10:18am

507 Upson #1

Case 2011-105598

Investigator I. Frisinger

11-23-2011

The City of Austin
Solid Waste Services Department
Code Enforcement Division



P.O. Box 1088
Austin, TX 78767

STOP WORK ORDER - PERMIT(S) REQUIRED

Address: 607 W 37th St

Owner: J. P. Miller

Contractor: J. P. Miller

Date: 11-23-2011

Investigator: IRA FRISINGER

be advised that Section 25-1-41 of the Austin City Code specifies that a permit is required for the construction, alteration, repair, erection, demolition, or relocation of a structure. Because work has started without proper permit(s), all work must stop immediately.

Section 25-1-52 requires a permit to be obtained prior to performing the following activities:

☒ Building (2003 IRC, R105.1; 2003 IRC, 105.1) ☐ Electrical

☐ Plumbing (2003 UPC, 103.1.1) ☐ Mechanical (Section 25-13-33, 112.1)

Section 25-1-37 requires a demolition permit to be obtained prior to demolishing a structure or portion of a structure.

Section 25-1-34 requires a relocation permit to be obtained prior to relocating a structure or portion of a structure.

Description of Work: Removal of existing structure and foundation

To comply with the Austin City Code, you must obtain the proper permit(s) within:

☐ 7 days (for residential property) ☐ 14 days (for commercial property)

An investigation fee will be assessed which double the cost of the permit(s).

For questions concerning residential property, you may contact the Zoning Review Division at (512) 974-2860. For questions concerning commercial property, you may contact the Development Assistant Center (DAC) at (512) 974-6870.

A person may appeal this Order to the City of Austin's Building Official. A written appeal must be filed no later than 5 days after the posting of this Order and contain:

- the name and address of the appellant;
- a statement of facts;
- the decision being appealed; and
- the reasons the decision should be set aside.

ORDEN DE PARAR EL TRABAJO - PERMISOS REQUERIDOS

Se informa que la sección 25-1-41 del Código de la Ciudad de Austin especifica que se requiere un permiso para la construcción, modificación, reparación, erección, demolición, o traslado de una estructura. Como el trabajo ha comenzado sin el permiso(s) apropiado, todo el trabajo debe pararse inmediatamente.

Una persona puede apelar esta Orden a del Oficial de Edificación de la Ciudad de Austin. Un peticion escrito debe ser recibida más tarde que 3 días después de la fijación de esta Orden y contener:

- el nombre y dirección del apelante;
- una declaración de hechos;
- la decisión que se está apelando;
- los motivos de la decisión; y
- los motivos por los que la decisión debería ser anulada.

Si usted desea apelar esta orden, debe hacerlo dentro de los cinco días hábiles siguientes a la fecha de esta orden. La orden de parar el trabajo debe ser recibida más tarde que 3 días después de la fijación de esta Orden y contener:

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507 Upson #1
Case 2011-105598

Investigator I. Frisinger
11-23-2011

11/23/2011 10:20am

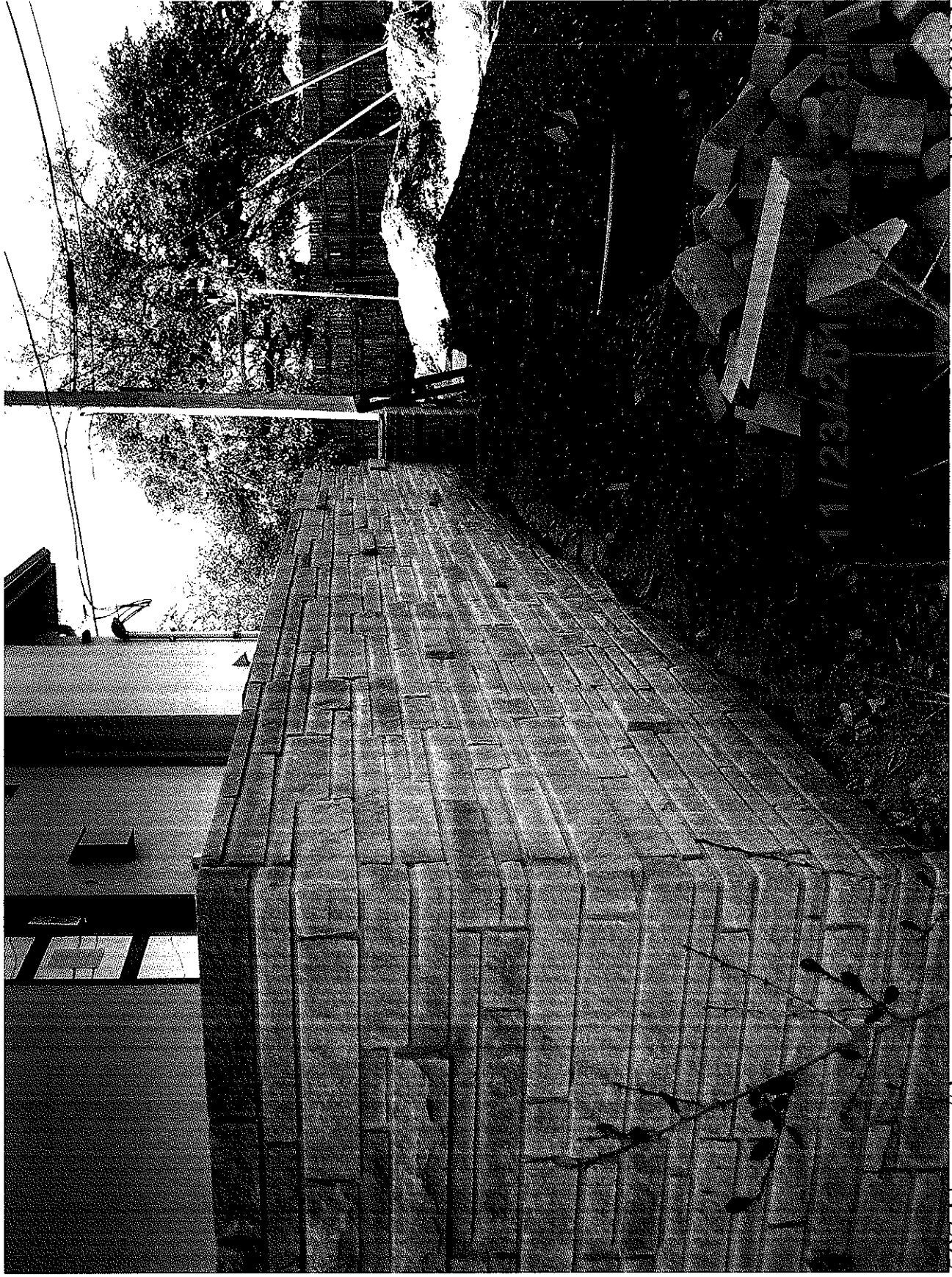


507 Upson #1

Case 2011-105598

11-23-2011

Investigator I. Frisinger



507 Upson #1
Case 2011-105598

11-23-2011
Investigator I. Frisinger

Walker, Susan

From: Lili A [liliaprende@gmail.com]
Sent: Wednesday, December 21, 2011 5:18 PM
To: Walker, Susan
Cc: Blake Tollett; apeck@austin.rr.com; Lidia Agraz
Subject: Photos for Variance Application for 507 Upson Street, 78703
Attachments: DSC01430.JPG; DSC01432.JPG; DSC01433.JPG; DSC01434.JPG; DSC01435.JPG; DSC01436.JPG

----- Forwarded message -----

From: **Lili A** <liliaprende@gmail.com>
Date: Wed, Dec 21, 2011 at 5:04 PM
Subject: Variance Application for 507 Upson Street, 78703
To: susan.walker@austin.texas.gov
Cc: apeck@austin.rr.com

Dear Susan,

We spoke a few minutes ago about the request for a variance for the property at 507 Upson Street. We own 509 Upson Street, the property north of this address.

The current owner of the 507 property has built a wall **right on** our property line (zero lot line style) without asking for our permission. We do not approve of this construction. The construction encroaches on the 25 feet set back from the street and the 5 feet set back from our property line.

Further more, we believe that the original construction (prior to the building of this wall or deck support) maximized the total allowable impervious coverage as per city regulations.

Attached are photographs of the current construction of the deck support/masonry wall. The green house to the left is our property at 509 Upson.

We request a meeting at the site with a city staff who can ascertain whether the current construction is legal. We request this meeting prior to the Board of adjustments' hearing scheduled for 9 January.

Thank you very much for your assistance with this request.

Lidia Agraz and Allen Peck
Home [512 322-0212](tel:5123220212)
Allen's Cell [512- 784-8650](tel:5127848650)

12/27/2011

